

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

U.S. WATER SERVICES, INC.
and ROY JOHNSON,

Plaintiffs,

v.

NOVOZYMES A/S and
NOVOZYMES NORTH AMERICA, INC.,

Defendants.

SPECIAL VERDICT:
LIABILITY

13-cv-864-jdp

We, the jury, for our special verdict, do find as follows:

INFRINGEMENT

Below are tables for each customer, or category of customers, with boxes for you to record your verdict on each question of direct infringement, inducement, and contributory infringement as to each asserted claim. Answer "yes" or "no" in each box. A "yes" is a finding for U.S. Water and a "no" is a finding for Novozymes.

1. Direct Infringement: Has U.S. Water proven by a preponderance of the evidence that any of Novozymes's customers directly infringed any of the asserted claims? Record your verdict in the first column.
2. Inducement: Has U.S. Water proven by a preponderance of the evidence that Novozymes induced infringement of the asserted claims? Record your verdict in the second column. Remember that if your answer is "no" on direct infringement, you must also answer "no" for inducement.
3. Contributory Infringement: Has U.S. Water proven by a preponderance of the evidence that Novozymes contributed to infringement of the asserted claims? Record your verdict in the third column. Remember that if your answer is "no" on direct infringement, you must also answer "no" for contributory infringement.

1(a). CUSTOMER: AEMETIS

	DIRECT INFRINGEMENT	INDUCEMENT	CONTRIBUTORY INFRINGEMENT
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'137 patent

Claim 1
independent claim

Claim 6
depends from claim 1

Claim 12
depends from claim 1

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

'399 patent

Claim 1
independent claim

Claim 5
depends from claim 1

Claim 7
depends from claims 1, 5

Claim 8
depends from claims 1, 5

Claim 9
depends from claims 1, 5

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

Claim 2
independent claim

Claim 16
depends from claim 2

Claim 18
depends from claims 2, 16

Claim 19
depends from claims 2, 16

Claim 20
depends from claims 2, 16

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

1(b). CUSTOMER: CALGREN

	DIRECT INFRINGEMENT	INDUCEMENT	CONTRIBUTORY INFRINGEMENT
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'137 patent

Claim 1
independent claim

Claim 6
depends from claim 1

Claim 12
depends from claim 1

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

'399 patent

Claim 1
independent claim

Claim 5
depends from claim 1

Claim 7
depends from claims 1, 5

Claim 8
depends from claims 1, 5

Claim 9
depends from claims 1, 5

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

Claim 2
independent claim

Claim 16
depends from claim 2

Claim 18
depends from claims 2, 16

Claim 19
depends from claims 2, 16

Claim 20
depends from claims 2, 16

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

I(c). CUSTOMER: DAKOTA ETHANOL

	DIRECT INFRINGEMENT	INDUCEMENT	CONTRIBUTORY INFRINGEMENT
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'137 patent

Claim 1
independent claim

Claim 6
depends from claim 1

Claim 12
depends from claim 1

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

'399 patent

Claim 1
independent claim

Claim 5
depends from claim 1

Claim 7
depends from claims 1, 5

Claim 8
depends from claims 1, 5

Claim 9
depends from claims 1, 5

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

Claim 2
independent claim

Claim 16
depends from claim 2

Claim 18
depends from claims 2, 16

Claim 19
depends from claims 2, 16

Claim 20
depends from claims 2, 16

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

1(d). CUSTOMER: GLACIAL LAKES MINA

	DIRECT INFRINGEMENT	INDUCEMENT	CONTRIBUTORY INFRINGEMENT
'137 patent			
Claim 1 independent claim	Yes	Yes	Yes
Claim 6 depends from claim 1	Yes	Yes	Yes
Claim 12 depends from claim 1	Yes	Yes	Yes

'399 patent

Claim 1 independent claim	Yes	Yes	Yes
Claim 5 depends from claim 1	Yes	Yes	Yes
Claim 7 depends from claims 1, 5	Yes	Yes	Yes
Claim 8 depends from claims 1, 5	Yes	Yes	Yes
Claim 9 depends from claims 1, 5	Yes	Yes	Yes

Claim 2 independent claim	Yes	Yes	Yes
Claim 16 depends from claim 2	Yes	Yes	Yes
Claim 18 depends from claims 2, 16	Yes	Yes	Yes
Claim 19 depends from claims 2, 16	Yes	Yes	Yes
Claim 20 depends from claims 2, 16	Yes	Yes	Yes

1(e). CUSTOMER: GLACIAL LAKES WATERTOWN

	DIRECT INFRINGEMENT	INDUCEMENT	CONTRIBUTORY INFRINGEMENT
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'137 patent**Claim 1**

independent claim

Claim 6

depends from claim 1

Claim 12

depends from claim 1

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

'399 patent**Claim 1**

independent claim

Claim 5

depends from claim 1

Claim 7

depends from claims 1, 5

Claim 8

depends from claims 1, 5

Claim 9

depends from claims 1, 5

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

Claim 2

independent claim

Claim 16

depends from claim 2

Claim 18

depends from claims 2, 16

Claim 19

depends from claims 2, 16

Claim 20

depends from claims 2, 16

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

1(f). CUSTOMER: KANSAS ETHANOL

	DIRECT INFRINGEMENT	INDUCEMENT	CONTRIBUTORY INFRINGEMENT
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'137 patent

Claim 1
independent claim
Claim 6
depends from claim 1
Claim 12
depends from claim 1

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

'399 patent

Claim 1
independent claim
Claim 5
depends from claim 1
Claim 7
depends from claims 1, 5
Claim 8
depends from claims 1, 5
Claim 9
depends from claims 1, 5

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

Claim 2
independent claim
Claim 16
depends from claim 2
Claim 18
depends from claims 2, 16
Claim 19
depends from claims 2, 16
Claim 20
depends from claims 2, 16

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

1(g). CUSTOMER: NESIKA ENERGY

DIRECT
INFRINGEMENT

INDUCEMENT

CONTRIBUTORY
INFRINGEMENT

'137 patent

Claim 1

independent claim

Claim 6

depends from claim 1

Claim 12

depends from claim 1

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

'399 patent

Claim 1

independent claim

Claim 5

depends from claim 1

Claim 7

depends from claims 1, 5

Claim 8

depends from claims 1, 5

Claim 9

depends from claims 1, 5

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

Claim 2

independent claim

Claim 16

depends from claim 2

Claim 18

depends from claims 2, 16

Claim 19

depends from claims 2, 16

Claim 20

depends from claims 2, 16

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

I(h). CUSTOMER: SOUTHWEST GEORGIA ETHANOL

	DIRECT INFRINGEMENT	INDUCEMENT	CONTRIBUTORY INFRINGEMENT
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'137 patent

Claim 1
independent claim

Claim 6
depends from claim 1

Claim 12
depends from claim 1

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

'399 patent

Claim 1
independent claim

Claim 5
depends from claim 1

Claim 7
depends from claims 1, 5

Claim 8
depends from claims 1, 5

Claim 9
depends from claims 1, 5

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

Claim 2
independent claim

Claim 16
depends from claim 2

Claim 18
depends from claims 2, 16

Claim 19
depends from claims 2, 16

Claim 20
depends from claims 2, 16

Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes

1(i). OTHER PLANTS USING PHYTAFLOW

	DIRECT INFRINGEMENT	INDUCEMENT	CONTRIBUTORY INFRINGEMENT
'399 patent			
Claim 1 independent claim	Yes	Yes	Yes
Claim 5 depends from claim 1	Yes	Yes	Yes
Claim 7 depends from claims 1, 5	Yes	Yes	Yes
Claim 8 depends from claims 1, 5	Yes	Yes	Yes
Claim 9 depends from claims 1, 5	Yes	Yes	Yes

Regardless how you answered the questions above, go on to answer the questions in the following invalidity section.

INVALIDITY

4. Anticipation: Has Novozymes proven by clear and convincing evidence that Veit anticipates the asserted claims by inherently disclosing the requirement of reducing the formation of insoluble deposits of phytic acid or salts of phytic acid?

Answer:

No

 (Yes or No)

A "yes" is a finding for Novozymes and a "no" is a finding for U.S. Water. Regardless how you answered Question No. 4, answer the next question.

5. Obviousness: Has Novozymes proven by clear and convincing evidence that any of the following claims is invalid because it is obvious in light of Veit and Caransa?

Answer "yes" or "no" in the space next to each claim. A "yes" is a finding for Novozymes and a "no" is a finding for U.S. Water.

'137 patent

Claim 1

independent claim

Claim 6

depends from claim 1

Claim 12

depends from claim 1

No
No
No

'399 patent

Claim 1

independent claim

Claim 5

depends from claim 1

Claim 7

depends from claims 1, 5

Claim 8

depends from claims 1, 5

Claim 9

depends from claims 1, 5

No
No
No
No
No

Claim 2

independent claim

Claim 16

depends from claim 2

Claim 18

depends from claims 2, 16

Claim 19

depends from claims 2, 16

Claim 20

depends from claims 2, 16

No
No
No
No
No

Regardless how you answered Question No. 5, answer the next question.

6. Written description: Has Novozymes proven by clear and convincing evidence that any of the following claims is invalid because it does not have an adequate written description?

Answer "yes" or "no" in space next to each claim. A "yes" is a finding for Novozymes and a "no" is a finding for U.S. Water.

'137 patent

Claim 1

independent claim

Claim 6

depends from claim 1

Claim 12

depends from claim 1

No
No
No

'399 patent

Claim 1

independent claim

Claim 5

depends from claim 1

Claim 7

depends from claims 1, 5

Claim 8

depends from claims 1, 5

Claim 9

depends from claims 1, 5

No
No
No
No
No

Claim 2

independent claim

Claim 16

depends from claim 2

Claim 18

depends from claims 2, 16

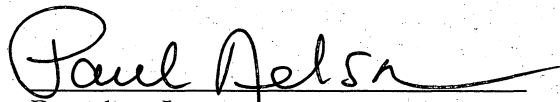
Claim 19

depends from claims 2, 16

Claim 20

depends from claims 2, 16

No
No
No
No
No


Presiding Juror

Dated this 18 day of October, 2017
Madison, Wisconsin